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			DOCKET NO.
In the Ma	tter of	I - IN THE MATTER OF INTEGRA — TELECOM OF SOUTH DAKOTA, INC.'S — FAILURE TO SUBMIT A REPORT AND PAY THE GROSS RECEIPTS TAX	
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	P	ublic Utilities Commission of the	e State of South Dakota
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OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF INTEGRA TELECOM OF)	ORDER FOR AND NOTICE
SOUTH DAKOTA, INC.'S FAILURE TO SUBMIT)	OF SHOW CAUSE HEARING
A REPORT AND PAY THE GROSS RECEIPTS)	
TAX)	TC04-232

SDCL 49-1A-1 establishes the South Dakota Public Utilities Commission (Commission) Gross Receipts Tax Fund. This fund is financed by assessing a tax of .0015 or \$250, whichever is greater, on the annual intrastate gross receipts received by a utility from the company's customers within the state of South Dakota, and requires that all telecommunications companies submit on June 1, each year, a report of the amount of such gross receipts received during the preceding calendar year and pay the tax. A penalty of 10% of the tax is imposed for each month of delinquency.

Despite reminder letters from the Commission on March 15, 2004, April 16, 2004, June 28, 2004, and August 22, 2004, Integra Telecom of South Dakota, Inc. (Company) has failed to file the required report and pay the gross receipts tax.

Pursuant to SDCL 49-1A-6, the Commission may collect this debt by distress and sale of any personal property of the company within South Dakota. Further, the Commission has the authority, under SDCL 49-31-3, to suspend or revoke the certificate of authority granted to the company; assess a civil fine against the company from \$200 to \$1,000 under SDCL 49-31-38; proceed under SDCL 49-31-38.2 or 49-31-38.3 to stop the company from transacting any future business in South Dakota; or take any other enforcement actions against the company allowed by law.

Company shall appear on December 28, 2004, at 1:30 P.M. (CST) in the Cactus Conference Room, State Capitol Building, 500 E. Capitol, Pierre, South Dakota, to show cause why action should not be taken against Company for failure to comply with SDCL Chapter 49-1A. The hearing is being held pursuant to Commission's jurisdiction over telecommunications companies found at SDCL Chapters 1-26, 49-1, 49-1A, and 49-31, specifically, 49-1-11(4), 49-1A-3, 49-1A-4, 49-1A-5, 49-1A-6, 49-31-3, and ARSD 20:10:01:45.

The issue at the hearing is whether the Commission shall fine, or suspend or revoke Company's Certificate of Authority, assess a civil fine against Company, and/or institute collection proceedings against Company for failure to pay gross receipts tax.

The hearing shall be an adversary proceeding conducted pursuant to SDCL Chapter 1-26. All parties have the right to be present and to be represented by an attorney. These rights and other due process rights shall be forfeited if not exercised at the hearing. If you or your representative fail to appear at the time and place set for the hearing, the Final Decision will be based solely on the testimony and evidence provided,

if any, during the hearing or a Final Decision may be issued by default pursuant to SDCL 1-26-20. After the hearing, the Commission will consider all evidence and testimony that was presented at the hearing. The Commission will then enter Findings of Fact, Conclusions of Law, and a Final Decision regarding this matter. As a result of the hearing, the Commission shall determine whether to fine, or suspend or revoke Company's Certificate of Authority, assess a civil fine against Company, and/or institute collection proceedings against Company for failure to pay gross receipts tax. The Commission's Final Decision may be appealed by the parties to the state Circuit Court and the state Supreme Court as provided by law. It is therefore

ORDERED, that a show cause hearing in the matter of Company shall be held at the time and place specified above. And it is

FURTHER ORDERED, that, in the event Company shall file an appropriate report and pay the delinquent gross receipts tax, including the 10% penalty for each month of delinquency, the hearing and actions mentioned herein shall not be held or taken, otherwise this order shall remain in effect.

Pursuant to the Americans with Disabilities Act, this hearing is being held in a physically accessible location. Please contact the Public Utilities Commission at 1-800-332-1782 at least 48 hours prior to the hearing if you have special needs so arrangements can be made to accommodate you.

Dated at Pierre, South Dakota, this 22 nd day of November, 2004.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: Wildene Kaloo

Date: ///35/04

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

ROBERT K. SAHR, Chairman

GARY HANSON, Commissioner

AMES A. BURG, Commissioner

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lotal Postage & Fees	\$		
INTEGRA TELECOM OF SOUTH DAKOTA INC 1201 NE LLOYD BOULEVARD SUITE 500 PORTLAND OR 97232 PS Form 3800, June 2002 See Reverse for Instructions			

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELI	VERY
Complete Items 1, 2, and 3: Also complete Item 4: If Restricted Delivery is desired: Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mallpiece, or on the front if space permits: Anticle Addressed to: Author Scalar Sc	A Signature X M FeCS B. Received by (<i>Printed Name</i>) D. Its delivery address different from item If YES; enter delivery address below 3. Service Type Certified Mail: D Express Ma	vi □ No.
	4. Restricted Delivery? (Extra Fee)	eipt for Merchandise
(iransfer from service label) 7002 2	030 0004 5245 7362	
PS Form 3811, August 2001 Domestic Re	sturn Receipt.	-102595-02-M-1540

South Dakota Public Utilities Commission WEEKLY FILINGS For the Period of November 18, 2004 through November 24, 2004

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five business days of this report. Phone: 605-773-3201

ELECTRIC

EL04-035

In the Matter of the Joint Request for an Electric Service Territory Boundary Change between Xcel Energy, Inc. and Sioux Valley-Southwestern Electric Cooperative, Inc. d/b/a Sioux Valley Energy.

On November 18, 2004, Sioux Valley Energy filed for Commission approval a Service Territory Exchange Agreement between Northern States Power Company, d/b/a Xcel Energy, Inc. (Xcel Energy) and Sioux Valley-Southwestern Electric Cooperative, Inc. d/b/a Sioux Valley Energy (SVE). SVE agrees to transfer to Xcel Energy eleven lots presently residing north of the territory boundary line in the Canterbury Heights Addition within the city of Sioux Falls within the SE 1/4 of Section 12 of Township 101N, Range 49W within Minnehaha County, South Dakota. Xcel Energy agrees to transfer to SVE twelve lots presently residing south of the territory boundary line previously described. The agreement seeks the modification to existing service territories to allow each party to better serve present and future customers within the modified territories.

Staff Analyst: Michele Farris Staff Attorney: Karen E. Cremer

Date Filed: 11/18/04

Intervention Deadline: 12/03/04

EL04-036 In the Matter of the Filing by MidAmerican Energy Company for Approval of Tariff Revisions.

Application by MidAmerican Energy Company to revise its customer bill format by rearranging information, creating a "Message Center" area on the bill containing information and technical terms and deleting the definitions currently on the back of the bill, and other changes. The changes are the result of customer inquiries and feedback and customer focus groups.

Staff Analyst: Dave Jacobson Staff Attorney: Sara Harens

Date Filed: 11/22/04

Intervention Deadline: 12/10/04

EL04-037 In the Matter of the Filing by Black Hills Power, Inc. for Approval of a Contract with Deviations with Black Hills Chair Lift Company d/b/a Terry

Peak Ski Area.

Application by Black Hills Power for approval of a contract with deviations to provide Energy Storage Service which deviates from the rates, terms and conditions of its regular tariffed Energy Storage Service rate. Black Hills explains that because of the unique operational characteristics of Black Hills Chair Lift, this contract is appropriate for the continuation of service to this facility.

Staff Analyst: Dave Jacobson Staff Attorney: Karen Cremer

Date Filed: 11/23/04

Intervention Deadline: 12/10/04

NATURAL GAS

NG04-012 In the Matter of the Filing by MidAmerican Energy Company for Approval of Tariff Revisions.

Application by MidAmerican Energy Company to revise its customer bill format by rearranging information, creating a "Message Center" area on the bill containing information and technical terms and deleting the definitions currently on the back of the bill, and other changes. The changes are the result of customer inquiries and feedback and customer focus groups.

Staff Analyst: Dave Jacobson Staff Attorney: Sara Harens

Date Filed: 11/22/04

Intervention Deadline: 12/10/04

TELECOMMUNICATIONS

TC04-226	In the Matter of Access One, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-227	In the Matter of ACCXX Communications, LLC's Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-228	In the Matter of Association Administrators, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-229	In the Matter of BellSouth Long Distance, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-230	In the Matter of Choice Telco, LLC's Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-231	In the Matter of Global Crest Communications, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-232	In the Matter of Integra Telecom of South Dakota, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-233	In the Matter of Intercontinental Communications Group, Inc. d/b/a Fusion Telecom's Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-234	In the Matter of International Exchange Communications, Inc. d/b/a IE Com's Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-235	In the Matter of Kiger Telephone & Telephony, LLC's Failure to Submit a Report and Pay the Gross Receipts Tax.

TC04-236	In the Matter of Local Telcom Holdings, LLC d/b/a Transpoint Communications' Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-237	In the Matter of Long Distance Billing Services, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-238	In the Matter of OneStar Communications, LLC's Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-239	In the Matter of Prairie Fire Communications f/k/a NorCom Advanced Technologies, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-240	In the Matter of QAI, Inc. d/b/a Long Distance Billing's Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-241	In the Matter of Quick Tel, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-242	In the Matter of ST Long Distance, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-243	In the Matter of Telephone Company of Central Florida, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-244	In the Matter of Telliss, LLC's Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-245	In the Matter of T-NETIX, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-246	In the Matter of TON Services, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-247	In the Matter of TRI-M Communications, Inc. d/b/a TMC Communications' Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-248	In the Matter of Utah I-Link Communications, Inc. d/b/a Family Telecommunications' Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-249	In the Matter of WebNet Communications, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-250	In the Matter of Wholesale Carrier Services, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.
TC04-251	In the Matter of World Communications Satellite Systems, Inc.'s Failure to Submit a Report and Pay the Gross Receipts Tax.

The above companies shall appear on December 28, 2004, at 1:30 p.m. in the Cactus Conference Room, State Capitol Building, 500 East Capitol, Pierre, South Dakota, to show cause why action should not be taken against the company for failure to comply with SDCL Chapter 49-1A.

Deputy Executive Director: Heather Forney

Staff Attorney: Karen Cremer

Date Filed: 11/22/04 Hearing Date: 12/28/04

TC04-252

In the Matter of the Application of AccessLine Communications Corporation for a Certificate of Authority to Provide Interexchange Telecommunications Services in South Dakota.

On November 23, 2004, AccessLine Communications Corporation filed for approval an application for a Certificate of Authority to provide Interexchange Telecommunication Services in South Dakota. The applicant intends to provide resold interexchange services, including outbound dialing, 800/888 toll free inbound dialing, conference calling, enhanced services, data services and postpaid calling card service. The applicant intends to provide these services throughout South Dakota.

Staff Analyst: Michele Farris Staff Attorney: Karen E. Cremer

Date Filed: 11/23/04

Intervention Deadline: 12/10/04

TC04-253 In the Matter of the Filing for Approval of a Master Services Agreement between Qwest Corporation and Granite Telecommunications, LLC.

On November 23, 2004, the Commission received a filing for the approval of Qwest's Master Services Agreement. Qwest Corporation and Granite Telecommunications, LLC have executed a commercial agreement related to the provisions of switching and shared transport. The Master Services Agreement is being filed in compliance with the Commission's Order dated October 29, 2004, in Docket TC04-144. In its cover letter, Qwest stated that, "Qwest has disputed, and will continue to dispute, that the (Master Services) Agreement and similar commercial arrangements between Qwest and CLECs are ICAs that must be filed with the Commission for approval pursuant to Section 252 of the Act. Notwithstanding this position, and without waiving any of its rights or arguments on these issues, Qwest is filing the Agreement as set forth above. Qwest is making the filing solely to avoid further controversy or disputes with the Commission regarding the appropriate legal status of the Agreement. . . ." Any party wishing to comment on the Agreement may do so by filing written comments with the Commission and the parties to the Agreement no later than December 13, 2004. Parties to the Agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Sara B. Harens

Date Filed: 11/23/04

Initial Comments Due: 12/13/04

TC04-254 In the Matter of the Filing for Approval of a Master Services Agreement between Qwest Corporation and Z-Tel Communications, Inc.

On November 23, 2004, the Commission received a filing for the approval of Qwest's Master Services Agreement. Qwest Corporation and Z-Tel Communications, Inc. have executed a

commercial agreement related to the provisions of switching and shared transport. The Master Services Agreement is being filed in compliance with the Commission's Order dated October 29, 2004, in Docket TC04-144. In its cover letter Qwest stated that, "Qwest has disputed, and will continue to dispute, that the (Master Services) Agreement and similar commercial arrangements between Qwest and CLECs are ICAs that must be filed with the Commission for approval pursuant to Section 252 of the Act. Notwithstanding this position, and without waiving any of its rights or arguments on these issues, Qwest is filing the Agreement as set forth above. Qwest is making the filing solely to avoid further controversy or disputes with the Commission regarding the appropriate legal status of the Agreement. . . ." Any party wishing to comment on the Agreement may do so by filing written comments with the Commission and the parties to the Agreement no later than December 13, 2004. Parties to the Agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Sara B. Harens

Date Filed: 11/23/04

Initial Comments Due: 12/13/04

You may receive this listing and other PUC publications via our website or via internet e-mail. You may subscribe or unsubscribe to the PUC mailing lists at http://www.state.sd.us/puc



December 10, 2004

South Dakota Public Utilities Commission Capitol Building, 1st Floor 500 East Capitol Avenue Pierre, South Dakota 57501-5070 DEC 1 7 2004
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Re:

TC 04-232, Response to Order for and

Notice of Show Cause Hearing

Gentlemen:

Enclosed for filing please find the original and ten copies of Integra Telecom of South Dakota, Inc.'s Response to Order for and Notice of Show Cause Hearing in the above-entitled matter.

As you will see in our Response, we timely filed the Annual Report and have paid the \$250.00 minimum tax. Please advise me as soon as possible, in the event we owe additional monies. We request that the above-entitled matter be dismissed.

If you require any other information or have any further questions, please call me at 503-453-8119.

Sincerely,

Karen J. Johnson

Corporate Regulatory Attorney

KJJ

Enclosures

cc Dean Ryland, Vice President and Controller (w/o copy) Heather K. Forney (w/copy)

OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF INTEGRA TELECOM OF) SOUTH DAKOTA, INC.'S FAILURE TO SUBMIT) A REPORT AND PAY THE GROSS RECEIPTS) TAX

RESPONSE TO ORDER FOR AND NOTICE OF SHOW CAUSE HEARING

No. TC 04-232

DEC 1 7 2004

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

INTEGRA TELECOM OF SOUTH DAKOTA, INC., an Oregon Corporation, with principal offices located at 1201 NE Lloyd Blvd, Suite 500, Portland, Oregon 97232 ("INTEGRA") respectfully submits the following Response to the Order For and Notice to Show Cause Hearing set for December 28, 2004 and requests that the Commission dismiss the said action, notice, and hearing. In support therefore, INTEGRA submits:

- INTEGRA is authorized to provide telecommunications services in the State of South Dakota pursuant to order of this Commission docket no. TC00-071, dated August 25, 2000.
- 2. To date, INTEGRA has not built out its network and has not provided telecommunications services in the State of South Dakota. We have received no revenue from the sale of telecommunications services in the State of South Dakota.
- 3. On or about March 18, 2004, we timely filed our Annual Report. A true and accurate copy of the report is attached as Exhibit A. We did not calculate a gross receipts tax payment as we had no gross receipts.
- 4. We received a notice dated June 28, 2004 requesting the filing of the form. We contacted the Department and advised that we had indeed filed the report and filed another copy, again showing no revenue received. A true and accurate copy of the second report is attached hereto as Exhibit B.

- 5. On July 1, 2004, we received the notice of assessment. A true and accurate copy of the notice is attached hereto as Exhibit C. As we had no revenue in the State of South Dakota and were not aware that the \$250.00 charge was a minimum charge, we did not submit the payment.
- 6. On December 10, 2004, we submitted payment of the \$250.00. A true and accurate copy of the check stub is attached as Exhibit D.

WHEREFORE, INTEGRATELECOM OF SOUTH DAKOTA, INC. respectfully requests that the Commission dismiss the above-entitled matter, the notice and the show cause hearing.

INTEGRA TELECOM OF SOUTH DAKOTA, INC.

Ву

Karen J. Johnson

Corporate Regulatory Attorney 1201 NE Lloyd Blvd., Suite 500

Portland, Oregon 97232

(503) 453-8119

FAX (503) 453-8221

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION GROSS RECEIPTS TAX FUND ASSESSMENT

For the Calendar Year ended December 31, 2003

TELECOMMUNICATIONS

(Independent, Cooperative, Municipal, AOS, Reseller, Cellular, Radio Common Carrier)

Name of Company & D/B/A Integral Telecom	of Soull Dakota, INC.
Contact Name & Phone No DEMN Rylaso	(503) 748-7503
Address of Company 19545 NW WON NEW	IMANN DR. Suite 200
B=Aventon, On 9	7006-6902
Tax ID# 43 - 12885	64
	INTRASTATE - SOUTH DAKOTA
Local Service Revenues	6
Access Service Revenues	<u></u>
Toll Service Revenues	6
Any Other SD Intrastate Revenues	d
TOTAL SD INTRASTATE REVENUES	d
Signed by Company Officer:	u. P. / Cowho . // = ~ and Title)
Subscribed and sworn to before me this $\frac{18+1}{1}$ day of $\frac{1}{2}$	airle 20 of
(Notary Public) (Notary Public) OFFICIAL SEAL MARI DENISE CALLOW NOTARY PUBLIC-OREGON COMMISSION NO. 346976 MY COMMISSION EXPIRES JUNE 19, 2005	Commission expires: July 19, 2005



1201 NE Lloyd Boulevard, Suite 500, Portland Oregon 97232

Phone: 503.453.8000

Fax: 503.453.8221

Web: www.integratelecom.com

7-2-04

South Dakota PUC 500 E. Capitol Ave. Pierre, South Dakota 57501

RE: Gross Receipts Tax

orie, goddi Dakota 37301

In response to your delinquent filing notice, be advised that on March 18th the company completed and filed the requested report, a copy of which is attached hereto.

I'm also forwarding a revised document with the company's new mailing address and contact information.

Dean Ryland VP/Controller

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION GROSS RECEIPTS TAX FUND ASSESSMENT

For the Calendar Year ended December 31, 2003

TELECOMMUNICATIONS

(Independent, Cooperative, Municipal, AOS, Reseller, Cellular, Radio Common Carrier)

Name of Company & D/B/A INTEGRA TELE	som of South Dakota INC.
Contact Name & Phone No GAEG Scott	(503) 453-8796
Address of Company 1201 NE Lloya	Bluo. 54.7- 500
PORHAND, OREGO	N 9723Z
Tax ID # 43 - 128	8564
	INTRASTATE - SOUTH DAKOTA
Local Service Revenues	
Access Service Revenues	\$
Toll Service Revenues	ø
Any Other SD Intrastate Revenues	4
TOTAL SD INTRASTATE REVENUES	ø
Signed by Company Officer:	
フェッペ アットルルロ (Type or Print Nam	<u>ช - P. </u>
Subscribed and sworn to before me this day of _	, 20
(Notary Public) M	y Commission expires:

(SEAL)

E-din -



Bob Sahr, Chair Gary Hanson, Vice-Chair Jim Burg, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

500 East Capitol Avenue Pierre, South Dakota 57501-5070 www.state.sd.us/puc Capitol Office (605) 773-3201 (605) 773-3809 fax

Transportation/Warehouse (605) 773-5280 (605) 773-3225 fax

Consumer Hotline 1-800-332-1782

July 1, 2004

GROSS RECEIPTS TAX ASSESSMENT CY2003

Please make checks payable to: **SD Public Utilities Commission** 500 E. Capitol Pierre, SD 57501

Bill to:
Dean Ryland
Integra Telecom of South Dakota, Inc.
1201 NE Lloyd Boulevard
Suite 500
Portland, OR 97232

Amount Due: \$250.00

Payment is due no later than July 15, 2004. The Commission may impose a delinquency fee of ten percent + interest if the fee is not paid.

Please contact the Commission with any questions or concerns

Heather K. Forney Deputy Executive Director South Dakota Public Utilities Commission

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